

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — SECOND CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

SEVENTH DAY

(Continued)

(Thursday, September 2, 2021)

AFTER RECESS

The Senate met at 2:26 p.m. and was called to order by the President.

Senator Lucio offered the invocation as follows:

Grant us Your spirit, Lord our God, that we may discern Your good, acceptable, and perfect will. Give us joy in fighting on Your side, so that what is good, acceptable, and perfect may be given to the world. Wherever we are and whatever work we do, give us zeal to serve You and be guided by You so that Your will may be done and Your kingdom come, so that already today we may find happiness even though only in hope. Amen.

BILL AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bill and resolutions in the presence of the Senate after the caption had been read:

HB 9, HCR 9, HCR 10, HCR 11, HCR 12.

COMMITTEE SUBSTITUTE

SENATE BILL 97 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business and Senate Rule 7.12(a) to take up for consideration **CSSB 97** at this time on its second reading:

CSSB 97, Relating to processes to address election irregularities; providing a civil penalty.

The motion prevailed by the following vote: Yeas 18, Nays 13.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Schwertner, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Menéndez, Miles, Powell, Seliger, West, Whitmire, Zaffirini.

The bill was read second time.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 97** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 281.001(d), Election Code, between "shall" and "appoint" (page 2, line 64), insert "determine the number of members necessary to conduct the review and".

(2) In SECTION 1 of the bill, in added Section 281.001(f), Election Code, strike Subdivision (1) (page 2, line 69 through page 3, line 5) and substitute the following:

(1) all ballots voted in-person during early voting and on election day from each precinct in the county where the number of ballots cast exceeded the total number of voters who were accepted for voting at an early voting location or polling place in the precinct;

(2) all ballots voted by mail and on election day from an additional number of randomly selected precincts in the county that includes the greater of:

(A) three precincts; or

(B) 20 percent of the remaining number of precincts in the county; and

(3) In SECTION 1 of the bill, in added Section 281.001(f), Election Code (page 3, line 6), renumber subsequent Subdivisions of Subsection (f) accordingly.

(4) In SECTION 1 of the bill, in added Section 281.001, Election Code, strike Subsection (g) (page 3, lines 13 through 24) and substitute the following:

(g) A review under this section shall be limited to not fewer than three and not more than five contested races or ballot measures. If there are more than five contested races or ballot measures identified in the request under Subsection (b), the county clerk shall randomly select five races or measures for review. The contested races must include at least one of each of the following types of races, regardless of whether the type was identified in the request under Subsection (b):

(1) a federal office;

(2) a statewide office; and

(3) a county office.

(5) In SECTION 1 of the bill, in added Section 281.001(k), Election Code, in Subdivision (1) (page 3, lines 49 and 50), strike "race under Subsections (g)(1) through (3)" and substitute "race or ballot measure under Subsection (g)".

The amendment to **CSSB 97** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 97** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, adding Chapter 280, Election Code, at the end of Section 280.001 (page 1, between lines 56 and 57), insert the following:

(g) A person who makes a request under Subsection (e) shall, at the time the person makes the request, post a bond that is payable to the county if an audit resulting from the request does not result in a finding of a violation, and is in an amount sufficient to compensate the county for costs incurred in the course of responding to a request made under Subsections (a) and (c).

(2) In SECTION 1 of the bill, adding Chapter 281, Election Code, at the end of Section 281.001(b) (page 2, between lines 55 and 56), insert the following:

(b-1) A state or county chair who makes a request under this section shall, at the time the chair makes the request, post a bond that is payable to the county if the resulting review does not result in a notice with an indication under Subsection (n)(3), and is in an amount sufficient to compensate the county for the cost of the review.

The amendment to **CSSB 97** was read and failed of adoption by the following vote: Yeas 14, Nays 17.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, Seliger, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Springer, Taylor.

CSSB 97 as amended was passed to engrossment by the following vote: Yeas 17, Nays 14.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, Seliger, West, Whitmire, Zaffirini.

REMARKS ORDERED PRINTED

On motion of Senator Springer and by unanimous consent, the remarks regarding **CSSB 97** were ordered reduced to writing and printed in the *Senate Journal*.

The remarks will be printed in an addendum to this day's Journal.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 58 by Buckingham, In memory of Margaret McLeod Hunter.

SR 59 by Buckingham, In memory of Willie Fae Atkinson.

SR 61 by Zaffirini and Hancock, In memory of David Lee Espinoza.

Congratulatory Resolutions

SR 56 by Lucio, Recognizing Vanguard Academy for hosting a September 11, 2001, Remembrance Ceremony.

SR 57 by Lucio, Recognizing Gabriela and Timothy Cowen on the birth of their sons, Jameson Luke Cowen, Hudson Oliver Cowen, and Kingston Hugh Cowen.

SR 60 by Buckingham, Recognizing Natura Resources LLC, Abilene Christian University, and NEXTRA for their research.

ADJOURNMENT

On motion of Senator Zaffirini, the Senate at 3:13 p.m. adjourned, in memory of Michael DiTeresa, until 3:15 p.m. today.